



17

Planning Commission Staff Report

TO: PLANNING COMMISSION

FROM: ASHLEE MACDONALD, AICP, SENIOR PLANNER *Am*
(480) 503-6748, ASHLEE.MACDONALD@GILBERTAZ.GOV

THROUGH: CATHERINE LORBEER, AICP, PRINCIPAL PLANNER *o/l*
(480) 503-6016, CATHERINE.LORBEER@GILBERTAZ.GOV

MEETING DATE: FEBRUARY 5, 2020

SUBJECT: Z19-16 RIVULON: REQUEST TO REZONE APPROX. 3.8 ACRES LOCATED AT THE SOUTHWEST CORNER OF LINDSAY ROAD AND LEXINGTON STREET FROM MARICOPA COUNTY RURAL - 43 (RU-43) ZONING DISTRICT TO TOWN OF GILBERT BUSINESS PARK (BP) ZONING DISTRICT AND TO INCLUDE THE SUBJECT PROPERTY INTO THE EXISTING RIVULON PLANNED AREA DEVELOPMENT (PAD) OVERLAY.

STRATEGIC INITIATIVE: Prosperous Community

To permit office development that serves high technology, research and development, office, service and light industrial uses

RECOMMENDED MOTION

For the reasons set forth in the staff report, move to recommend approval to the Town Council for Z19-16, as requested, subject to the conditions listed in the staff report.

APPLICANT/OWNER

Company: Hubbard Engineering
Name: Michael Wolf
Address: 1201 S. Alma School Rd., Ste 12000
Mesa, AZ 85210

Company: Nationwide Realty Investors
Name: James Rost
Address: 375 N. Front St, Ste 200
Columbus, OH 43215

Phone: 480-892-3313
Email: mwolf@hubbardengineering.com

Phone: 614-857-2332
Email: rostj@nationwide.com

BACKGROUND/DISCUSSION

History

Date	Description
<i>July 28, 2009</i>	Town Council approved A08-02 annexing a 26.4 acre portion of the subject site.
<i>December 12, 2013</i>	Town Council approved Ordinance No. 2464 (Z13-33), the Rivulon PAD amendment on 233 acres.
<i>August 15, 2019</i>	Town Council held the first public hearing for A19-01, the annexation of an 3.3 acre portion of the subject site.

Overview

The subject site includes a total of 3.8 acres, is currently unincorporated and undeveloped. The Town of Gilbert General Plan classifies the subject site as Business Park and is located in the Gilbert 202 Growth Area. The focus of economic growth within this area is general office, business park and light industrial land uses. The proposed zoning supports this vision.

Surrounding Land Use & Zoning Designations:

	Existing Land Use Classification	Existing Zoning	Existing Use
North	Business Park (BP)	Business Park (BP)/PAD	Undeveloped
South	Business Park (BP)	Business Park (BP)/PAD	Undeveloped
East	Business Park (BP)	Business Park (BP)/PAD	Residential, Lindsay Road then undeveloped
West	Business Park (BP)	Business Park (BP)/PAD	Undeveloped
Site	Business Park (BP)	Maricopa County RU-43	Undeveloped

General Plan

As proposed, the development is in conformance with the existing General Plan land use classification of Business Park and no General Plan Land Use amendment is required with the zoning request. The subject site is located within the Gilbert 202 Growth Area and the proposed rezoning will aide in the development of this growth area by offering office and business park uses. The proposed rezoning request supports the following General Policies:

- Chapter 2: Land Use and Growth Areas - Policy 1.5 Designate and protect sites for employment uses in appropriate locations to increase the Town's employment base.
- Chapter 2: Land Use and Growth Areas - Policy 6.5 Promote the continued development of a central employment spine along the Loop 202 Santan Freeway.
- Chapter 9: Economic Development - Policy 1.5 Encourage the protection and expansion of the land (and/or densities) designated in the General Plan for employment uses.

Rezoning

The applicant has requested to rezone the subject site to Business Park with a Planned Area Development (PAD) overlay to add the 3.8 acres to the existing Rivulon PAD. The subject site would follow the same development standards that exist within the Rivulon PAD.

Specifically, the Rivulon PAD offers deviations for parking lot spaces and drive aisles for office uses, reducing parking stall sizes from 19' x 9' to 18' x 9'. Parking lot landscape island requirements are also reduced from one landscape island per 8 spaces to one landscape island per 12 spaces. Landscape diamond planters are required for every 6 parking spaces except where located beneath a parking canopy. Parking lot screenwalls within the Rivulon PAD may be substituted by landscaping or berming for 50% of the length of the required wall, which is an increase from the 25% allowable under the LDC. Finally, the Rivulon PAD offers a deviation for bicycle parking by reducing the requirement from 1 space for every 10 vehicles spaces to one bicycle space per 100 vehicle parking stalls with a maximum of 50 bicycle spaces.

Development Standard	Required per LDC	Rivulon PAD
Minimum Dimension for Parking Lot Spaces and Drive Aisles: Office Uses	19 ft. Deep, 9 ft. Wide with 25ft. Drive aisle	18 ft. Deep, 9 ft. Wide and 25 ft. Drive aisle width
Parking Lot Landscaping: Parking Lot Landscape Islands Landscape Diamond Planters	One (1) parking lot landscape island shall be placed a maximum for each 8 consecutive parking spaces; Not required	One (1) parking lot landscape island shall be placed a maximum for each 12 consecutive parking spaces; One (1) 6 x 6 ft. Landscape diamond planter shall be placed a maximum of 1 for each 6 parking spaces, situated between parking lot landscape islands, except where situated beneath proposed parking canopy locations.
Landscaping and Berming for Parking lot Screening: Parking Lot Screen walls	25% of the length of parking lot CMU screen walls may be	50% of the length of parking lot CMU screen walls may be substituted by

	substituted by landscaping and/ or berming.	landscaping and/ or berming.
Bicycle Parking: Bicycle Parking Standard	1 bicycle space per 10 vehicle parking stalls; to a maximum of 100 bicycle spaces	1 bicycle space per 100 vehicle parking stalls; to a maximum of 50 bicycle spaces

PUBLIC NOTIFICATION AND INPUT

A notice of public hearing was published in a newspaper of general circulation in the Town, an official notice was posted in all the required public places within the Town and neighborhood notice was provided per the requirements of the Land Development Code Article 5.205.

A neighborhood meeting was held on May 22, 2019 at 6:00PM. No residents attended the meeting.

Staff has received no comment from the public.

SCHOOL DISTRICT

The subject site is located within the Gilbert Public School Boundary. Staff has solicited feedback from the school district on the proposed rezoning and has not received comment to date.

PROPOSITION 207

An agreement to “Waive Claims for Diminution in Value” pursuant to A.R.S. § 12-1134 was signed by the landowners of the subject site, in conformance with Section 5.201 of the Town of Gilbert Land Development Code. This waiver is located in the case file.

REASONS FOR THE RECOMMENDATION

1. The proposed zoning amendment conforms to the General Plan as amended, any applicable Specific Area Plan, neighborhood, or other plan and any overlay zoning district.
2. All required public notice has been conducted in accordance with applicable state and local laws.
3. All required public meetings and hearings have been held in accordance with applicable state and local laws.
4. The proposed rezoning supports the Town’s strategic initiative for Community Livability. It supports the motto “Gilbert: Clean, Safe, Vibrant.”

STAFF RECOMMENDATION

For the following reasons: the development proposal conforms to the intent of the General Plan and can be appropriately coordinated with existing and planned development of the surrounding areas, and all required public notice and meetings have been held, the Planning Commission moves to recommend approval of Z19-16 rezoning approximately 3.8 acres of real property generally located at the southwest corner of Lindsay Road and Lexington Street from Maricopa County Rural – 43 (RU-43) zoning district to Town of Gilbert Business Park (BP) zoning district and to include the subject property into the existing Rivulon Planned Area Development (PAD) overlay, subject to conditions.

Ordinance No. 2669 relating to the Rivulon PAD shall be amended to incorporate the subject site into the overall Rivulon Planned Area Development. Existing conditions in Ordinance No. 2669 are provided below for reference; no modifications are proposed

- a. Dedication to Gilbert for Pecos Road east of Allen Street and Lindsay Road rights-of-way that are adjacent to the property and are owned by Nationwide Realty Investors, Ltd. or NRI-Rivulon, LLC (collectively “NRI”) shall be provided with each subsequent phase of development or as required by the town engineer and in compliance with the Rivulon development agreement, as amended. Failure to complete dedication of lands owned by NRI prior to issuance of a building permit for any phase of the project adjacent to right-of-way may result in reversion of the zoning to the prior zoning classification. Dedication of all other portions of Pecos Road and Lindsay Road rights-of-way shall be made in accordance with paragraph 4.3 of the Rivulon development agreement, as amended.
- b. Dedication of Pecos Road half street right-of-way shall extend 65 feet from the centerline from Allen Street to Lindsay and dedication of Lindsay Road half street right-of-way shall extend 65 feet from the centerline along the northern boundary of the site. Additional roadway dedication may be required at intersections.
- c. Dedication of the remaining portion of Rivulon Blvd. Located from immediately east of the traffic circle and extending to Lindsay Road shall be provided with each subsequent phase of development or as required by the Town Engineer and in compliance with the Rivulon Development Agreement, as amended.
- d.
 - i. (DELETED.)
 - ii. Construction of off-site improvements to Pecos Road adjacent to Blocks B, C or D of the Property as depicted on Exhibit A to the Rivulon Development Agreement shall be completed prior to issuance of a certificate of occupancy or final approval for any building constructed on the respective adjacent Block, subject to the ownership provisions set forth in Section 4.3 of the Rivulon Development Agreement. If development of Block C or D occurs prior to development of Block B, construction of off-site improvements to Pecos Road shall include improvements adjacent to Block B.

- iii. Construction of off-site improvements to Lindsay Road adjacent to Blocks D, H or M of the Property as depicted on Exhibit A to the Rivulon Development Agreement shall be completed prior to issuance of a certificate of occupancy or final approval of any building constructed on the respective adjacent Block, subject to the ownership provisions set forth in Section 4.3 of the Rivulon Development Agreement. If development of Block H or M occurs prior to development of Block D, construction of off-site improvements to Lindsay Road shall include improvements on Lindsay Road adjacent to Block D.
- e. (DELETED)
- f. Prior to the effective date of this ordinance, Developer shall enter into a Development Reimbursement and Lien Agreement agreeing that Developer will reimburse Gilbert for the costs of design and construction of off-site improvements required by this ordinance if Gilbert constructs the improvements as part of its capital improvements program. Failure by Developer to execute a Development Reimbursement and Lien Agreement may result in reversion of the zoning to the prior zoning classification, except any parcel or portion of the property on which construction of improvements has commenced pursuant to duly issued building permits. If Developer constructs the improvements, Gilbert shall release Developer from its obligations under the Development Reimbursement Agreement.
- g. At the written request of Gilbert, Developer shall dedicate all necessary easements for the roadway improvements, including easements for drainage and retention and temporary construction easements when and as specified in the Rivulon Development Agreement and in compliance with Town of Gilbert construction standards.
- h. Developer shall create a Property Owner's Association (POA) for the ownership, maintenance, landscaping, improvements and preservation of all common areas and open space areas, and landscaping within the rights-of-way, with the inclusion of additional parcels within 30 days of submittal for construction documents for those properties.
- i. The Project shall be developed in conformance with Gilbert's zoning requirements for the zoning districts and all development shall comply with the Town of Gilbert Land Development Code, except as modified by the following:

Development Standard	Rivulon PAD
<i>Minimum Dimension for Parking Lot Spaces and Drive Aisles:</i>	
Office Uses	18 ft. Deep, 9 ft. Wide and 25 ft. Drive aisle width

<i>Parking Lot Landscaping:</i>	
Parking Lot Landscape Islands	One (1) parking lot landscape island shall be placed a maximum for each 12 consecutive parking spaces;
Landscape Diamond Planters	One (1) 6 x 6 ft. Landscape diamond planter shall be placed a maximum of 1 for each 6 parking spaces, situated between parking lot landscape islands, except where situated beneath proposed parking canopy locations.
<i>Landscaping and Berming for Parking lot Screening:</i>	
Parking Lot Screen walls	50% of the length of parking lot CMU screen walls may be substituted by landscaping and/ or berming.
<i>Bicycle Parking:</i>	
Bicycle Parking Standard	1 bicycle space per 100 vehicle parking stalls; to a maximum of 50 bicycle spaces

Respectfully submitted,

Ashlee MacDonald, AICP
Senior Planner

Attachments and Enclosures:

- 1) Notice of Public Hearing/Vicinity Map
- 2) Aerial Photo
- 3) Zoning Exhibit
- 4) Legal Description
- 5) Development Plan

Notice of Public Hearing

Z19-16 Rivulon

Attachment 1: Notice of Public Hearing/Vicinity Map

February 5, 2020

PLANNING COMMISSION DATE:

Wednesday, February 5, 2020* TIME: 6:00 PM

TOWN COUNCIL DATE:

Tuesday, March 24, 2020* TIME: 6:30 PM

***Call Planning Division to verify date and time: (480) 503-6748**

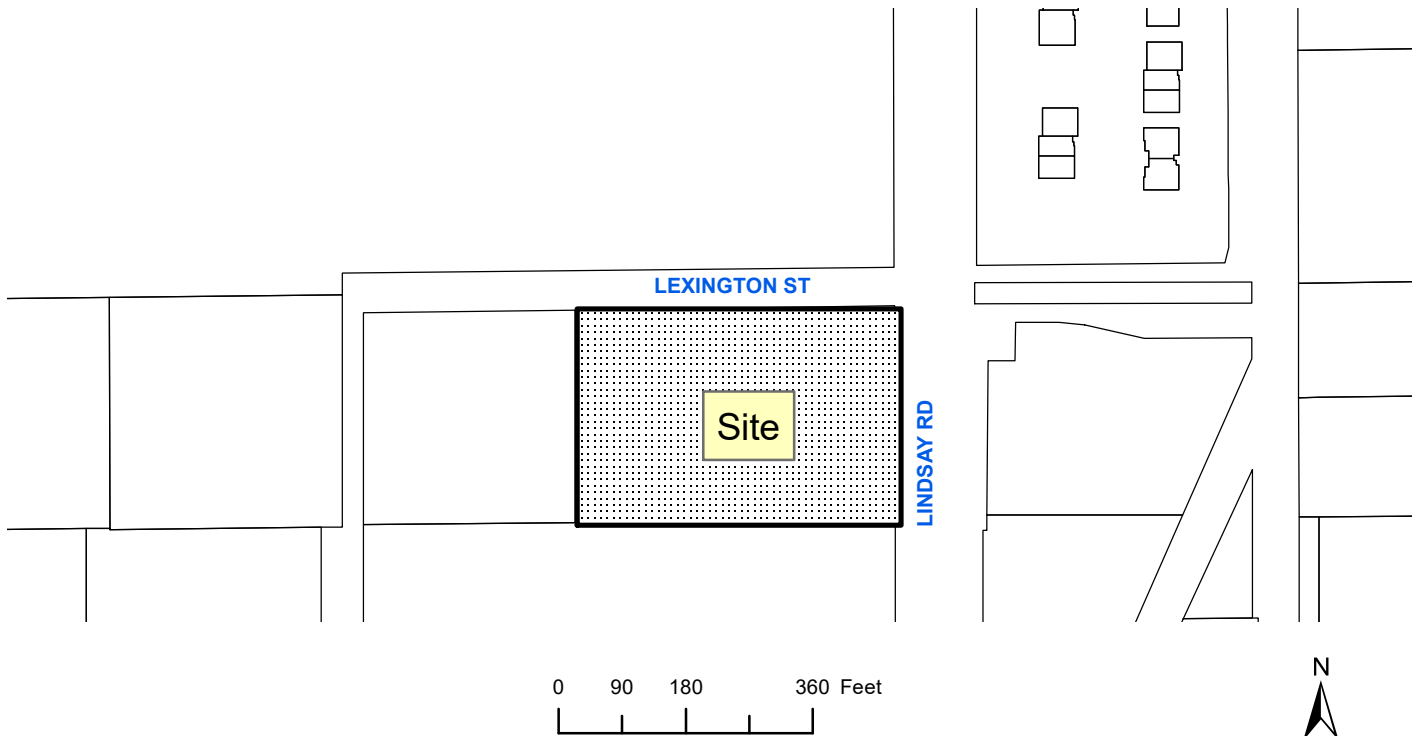
**LOCATION: Gilbert Municipal Center
Council Chambers
50 E. Civic Center Dr.
Gilbert, AZ 85296**

* The application is available to the public for review at the Town of Gilbert Planning Division Monday - Thursday 7AM - 6PM. Staff reports are available prior to the meeting at www.gilbertaz.gov/departments/development-services/planning/planning-commission and www.gilbertdocs.com/gilbertagendaonline.

REQUESTED ACTION:

Z19-16 RIVULON REZONING: Request to rezone approximately 3.8 acres generally located at the southwest corner of Lindsay Rd. and Lexington St. from Maricopa County Rural - 43 (RU-43) zoning district to Town of Gilbert Business Park (BP) zoning district and to include the subject property into the existing Rivulon Planned Area Development overlay zoning district (PAD). The effect of this rezoning will be to permit employment land uses such as office, service and light industrial uses. The existing Rivulon PAD will apply to the site and includes modifications to parking space dimensions and drive aisles, parking lot landscaping, parking lot screen walls and bicycle parking.

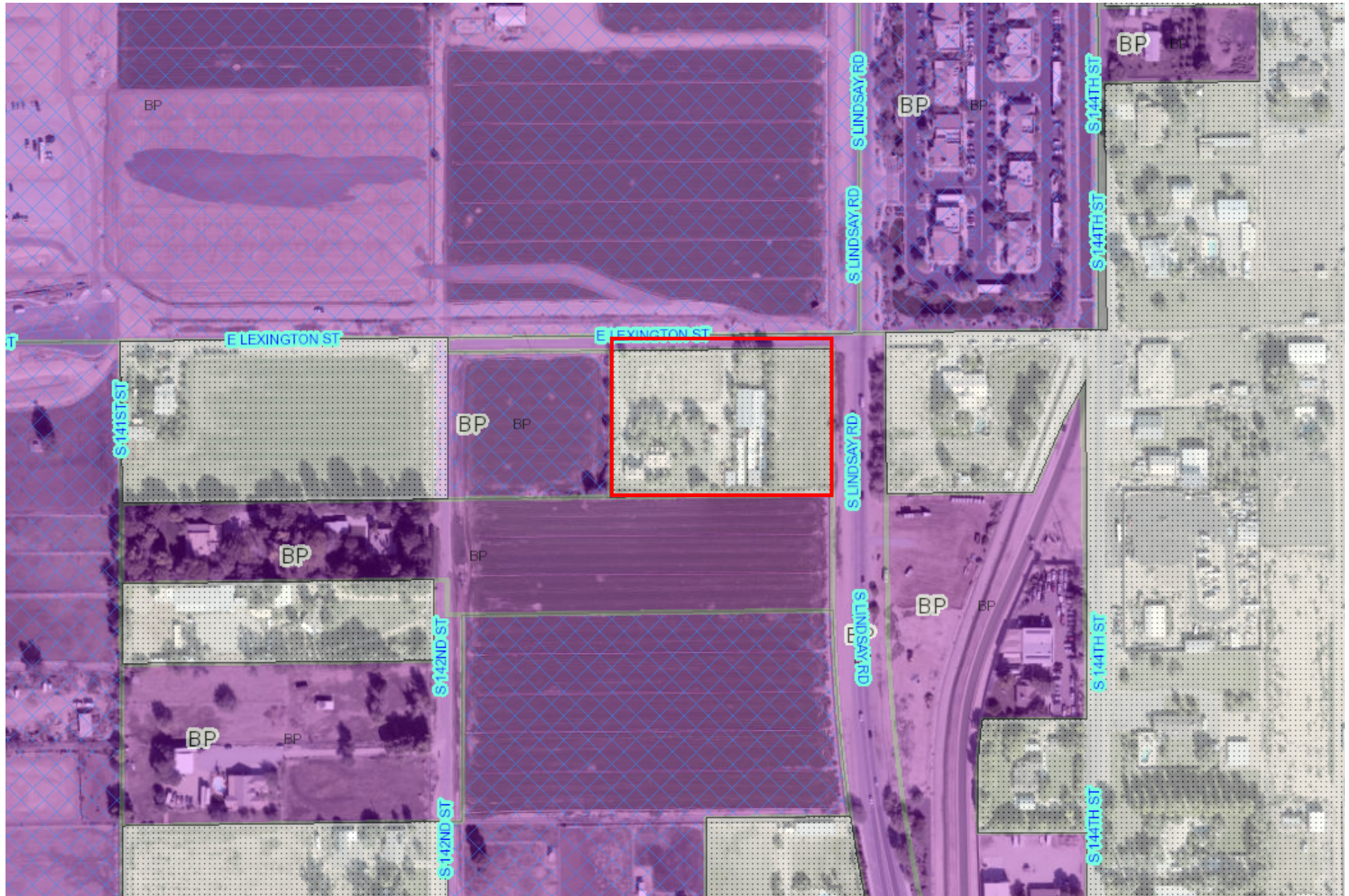
SITE LOCATION:



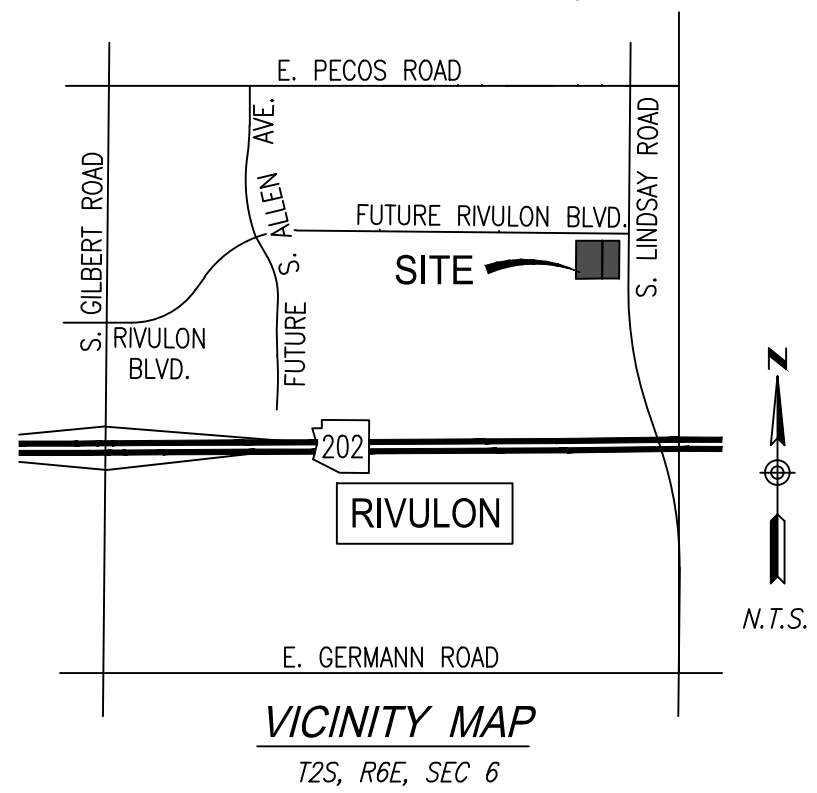
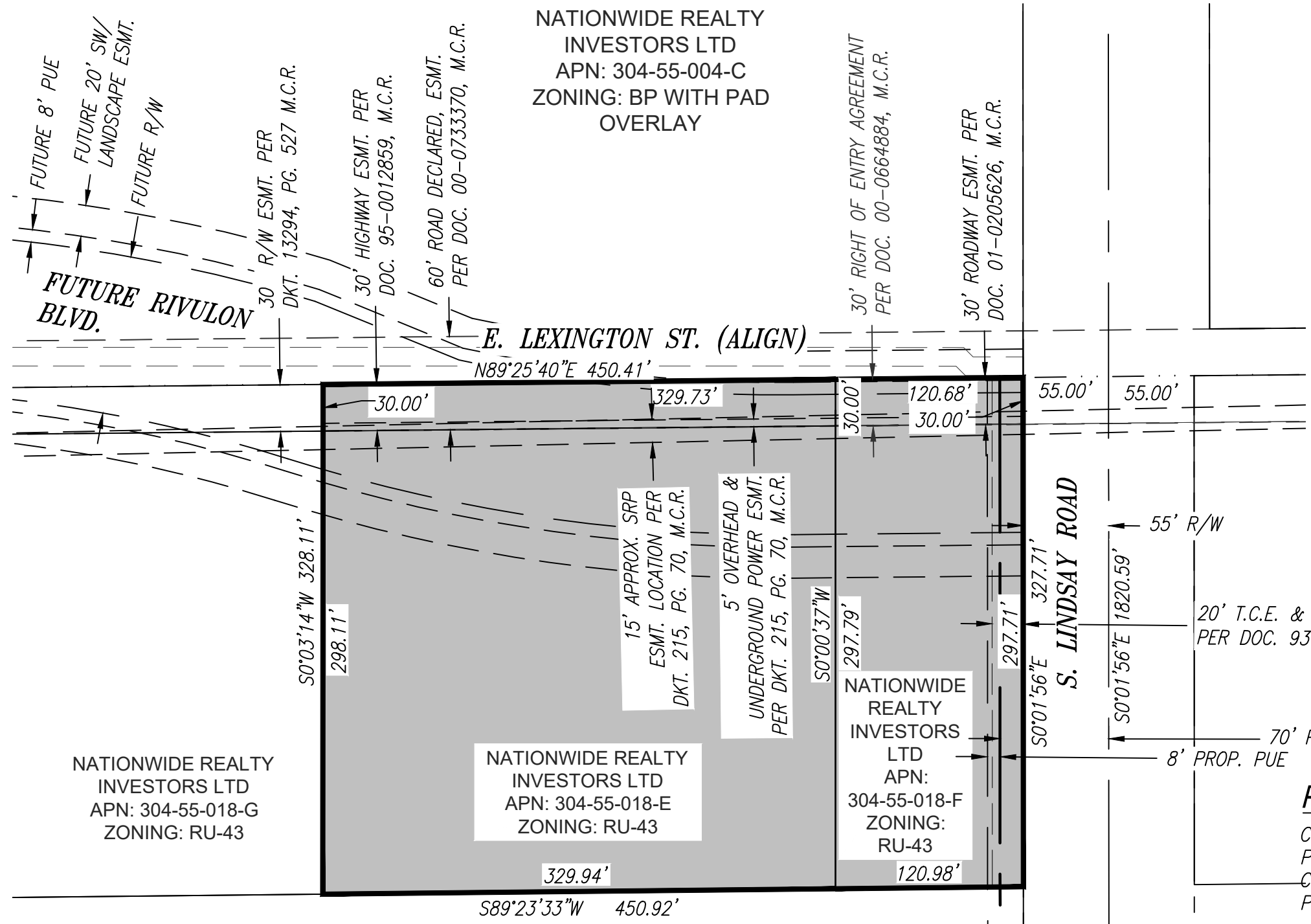
APPLICANT: Hubbard Engineering
CONTACT: Michael Wolf
ADDRESS: 1201 S. Alma School Rd.
Mesa, AZ 85210

TELEPHONE: (480) 398-3836
E-MAIL: mwolf@hubbardengineering.com

Z19-16 Rivulon



P:\2016\16114\Exhibits\Peterson Rezoning\Rezon-Annex\Peterson Rezoning Exhibit.dwg Nov 11, 2019 - 10:05am GBrown



PROJECT DATA TABLE

CURRENT ZONING:	MARICOPA COUNTY RU-43
PROPOSED ZONING:	BP WITH PAD OVERLAY
CURRENT JURISDICTION:	MARICOPA COUNTY
PROPOSED JURISDICTION:	TOWN OF GILBERT


BOTH PARCELS GROSS: 165,780 SQ. FT. OR 3.8058 AC. ±
BOTH PARCELS NET: 147,742 SQ. FT. OR 3.3917 AC. ±
NET=GROSS MINUS INGRESS/EGRESS ESMT. AND RIGHT OF WAY

Proj. No. 16114	Date 09/27/2019
Proj. Mangr. G. BROWN	Proj. Eng. M. WOLF

REZONING EXHIBIT

RIVULON

A PORTION OF THE NORTHWEST QUARTER OF SECTION 6
TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER
MERIDIAN, MARICOPA COUNTY, ARIZONA



HUBBARD
ENGINEERING

1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313

www.hubbardengineering.com

EXHIBIT "A"
RIVULON – PETTERSON ZONING DESCRIPTION

THE NORTH HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT THE WEST 331.92 FEET OF SAID NORTH HALF OF THE NORTHWEST QUARTER OF THE
SOUTHEAST QUARTER OF THE NORTHEAST QUARTER;

AND;

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF THE
NORTHEAST QUARTER OF SECTION 6, TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND
SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA;

EXCEPT ANY PORTION LAYING EAST OF THE WEST RIGHT-OF-WAY OF LINDSAY ROAD, AS
RECORDED IN DOC. 1992-028481, MARICOPA COUNTY RECORDS.

MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 6,
TOWNSHIP 2 SOUTH, RANGE 6 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN,
MARICOPA COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 6, BEING MARKED BY A
BRASS CAP FLUSH, FROM WHICH THE NORTHEAST CORNER OF SAID SECTION 6, BEING MARKED
SHEARED BRASS CAP, BEARS NORTH 89 DEGREES 26 MINUTES 24 SECONDS EAST, 2642.70 FEET;

THENCE NORTH 89 DEGREES 26 MINUTES 24 SECONDS EAST, ALONG THE NORTH LINE OF THE
NORTHEAST QUARTER OF SAID SECTION 6, 1321.33 FEET TO THE WEST LINE OF THE EAST HALF
OF SAID NORTHEAST QUARTER;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 03 MINUTES 14 SECONDS WEST,
ALONG SAID WEST LINE, 1320.74 FEET TO THE NORTH LINE OF THE SOUTHEAST QUARTER OF
SAID NORTHEAST QUARTER;

THENCE DEPARTING SAID WEST LINE, NORTH 89 DEGREES 25 MINUTES 40 SECONDS EAST,
ALONG SAID NORTH LINE, 331.94 TO THE **POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID NORTH LINE, NORTH 89 DEGREES 25 MINUTES 40 SECONDS
EAST, 450.41 FEET TO THE WEST RIGHT-OF-WAY LINE OF LINDSAY ROAD, AS RECORDED IN
DOCUMENT 1992-028481, M.C.R.;

THENCE DEPARTING SAID NORTH LINE, SOUTH 00 DEGREES 01 MINUTES 56 SECONDS EAST,
ALONG SAID RIGHT-OF-WAY LINE, 327.71 FEET TO THE SOUTH LINE OF THE NORTH HALF OF THE
NORTH HALF OF THE SOUTHEAST QUARTER OF SAID NORTHEAST QUARTER;

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, SOUTH 89 DEGREES 23 MINUTES 33 SECONDS
WEST, ALONG SAID SOUTH LINE, 450.92 FEET;

THENCE DEPARTING SAID SOUTH LINE, NORTH 00 DEGREES 03 MINUTES 14 SECONDS EAST,
328.11 FEET TO SAID **POINT OF BEGINNING**.

SAID PARCEL CONTAINS 147,742 SQUARE FEET OR 3.3917 ACRES MORE OF LESS.





HUBBARD
ENGINEERING

www.hubbardengineering.com

1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313

P.O.C.

N. 1/4 CORNER,
SEC. 6, T2S, R6E,
FND. BCF

E. PECOS ROAD

N. LINE, NE 1/4, SEC. 6, T2S, R6E
N89°26'24"E 2642.70'

NE CORNER,
SEC. 6, T2S, R6E,
FND. SHEARED BC

S. 142ND STREET

W. LINE, E. 1/2, NE 1/4, SEC. 6, T2S, R6E
S0°03'14"W 1648.94'

APN#
304-55-018-G

S0°03'14"W 328.11'

APN#
304-55-018-E

W. LINE, NE 1/4,
SE 1/4, NE 1/4,
SEC. 6, T2S, R6E

APN#
304-55-018-F

S0°01'56"E
327.71'

S. LINDSAY ROAD

W. R/W LINE OF NEW
ALIGNMENT OF LINDSAY ROAD

1309.52'

S0°01'57"E 2629.96'

E. LINE, NE 1/4, SEC. 6, T2S, R6E
S. 144TH STREET

E. LEXINGTON ST.

N. LINE, SE 1/4, NE 1/4,
SEC. 6, T2S, R6E

P.O.B.

N89°25'40"E 1323.36'

NW CORNER, NE 1/4,
SE 1/4, NE 1/4,
SEC. 6, T2S, R6E

30.00' PER
ORDINANCE #1811

S89°23'33"W 782.86'
S. LINE, N. 1/2, N. 1/2,
SE 1/4, NE 1/4, SEC. 6,
T2S, R6E

SW CORNER, N. 1/2, NE 1/4,
SE 1/4, NE 1/4, SEC. 6, T2S, R6E

110.00' R/W PER
DOC. 92-028481, M.C.R.

E. 1/4 CORNER,
SEC. 6, T2S, R6E,
FND. PK NAIL



N.T.S.

RIVULON
PETTERSON ZONING
EXHIBIT "A"

Town of Gilbert, Maricopa County, Arizona

Project No.
16114

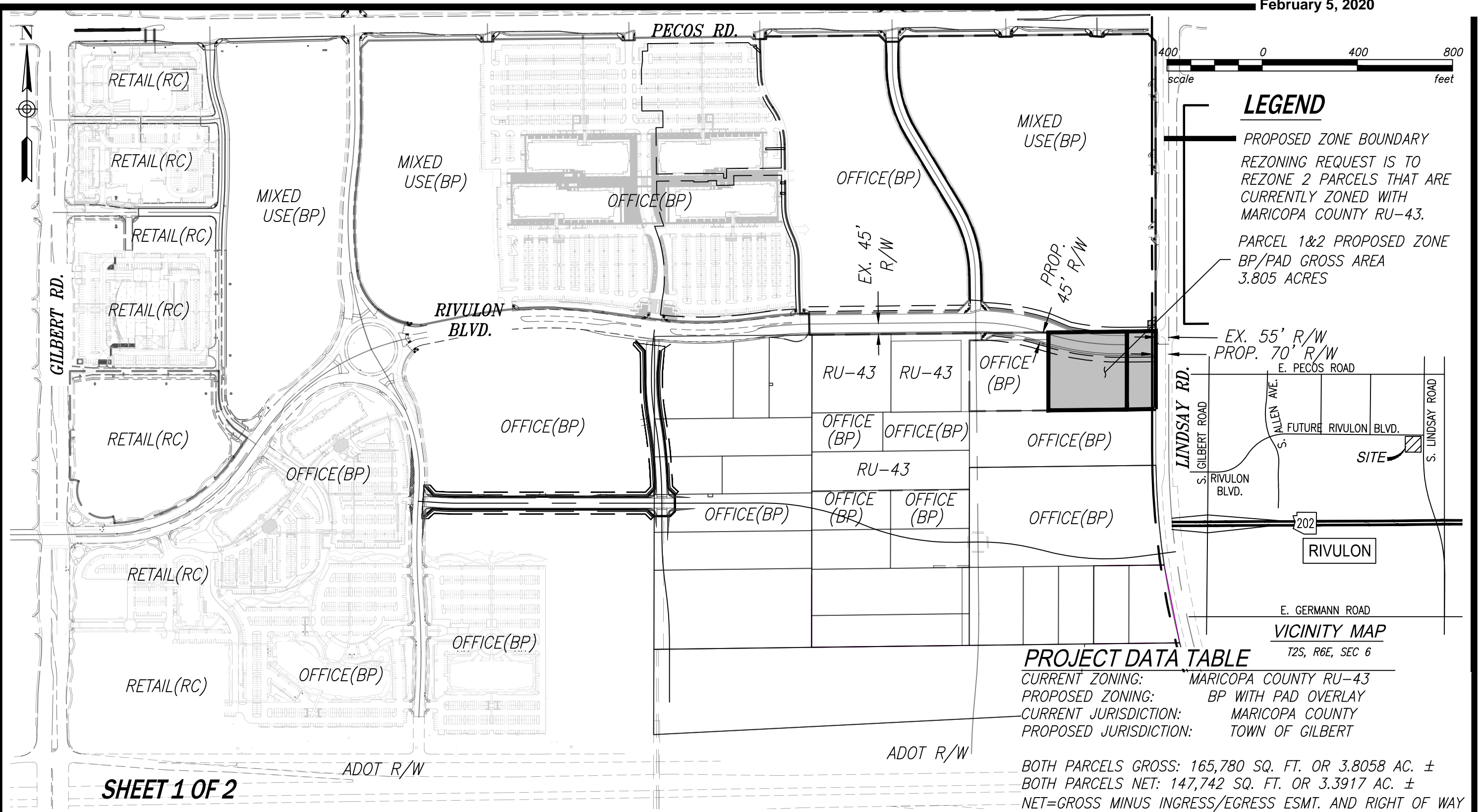
Date
01/02/20

Project Manager
ADRIAN BURCHAM

Project Eng.

Sht: 1 of 1

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SHEET 1 OF 2

Proj. No. 16114	Date 09/30/19
Sht: 1 of 2	
Proj. Mangr. G.BROWN	Proj. Eng. M. WOLF

RIVULON

OVERALL DEVELOPMENT PLAN



HUBBARD

ENGINEERING

www.hubbardengineering.com

1201 S. Alma School Rd.
Suite 12000
Mesa, AZ 85210
Ph: 480.892.3313

P:\2016\16114\Exhibits\Peterson Rezoning\Rezoning\CAD\16114-Development Plan Exhibit Large Scale.dwg Nov 12, 2019 - 2:14pm GBrown

MODIFIED PROJECT DEVELOPMENT STANDARDS

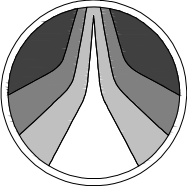
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Landscaping and Berming for Parking lot Screening:	
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Bicycle Parking:	
Bicycle Parking Standard	1 bicycle space per 100 vehicle parking stalls; to a maximum of 50 bicycle spaces

SHEET 2 OF 2

Proj. No. 16114	Date 09/30/19
Sht: 2 of 2	
Proj. Mangr. G.BROWN	Proj. Eng. M. WOLF

RIVULON

OVERALL DEVELOPMENT PLAN



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